

FILED

OCT 05 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA, } No. CR 05-0352-DLJ
11 Plaintiff, }
12 v. } STIPULATION AND [PROPOSED]
13 MANUEL RAFAEL, } ORDER TO CONTINUE
14 Defendant. } SENTENCING DATE
15 _____ Date: Sept. 23, 2005
15 Court: Hon. D. Lowell Jensen
U.S. District Court

16 Defendant Manuel Rafael is currently scheduled to appear for sentencing on Sept 23, 2005,
17 at 10:00 a.m. At this time, the draft presentence report has been completed and the parties have
18 submitted their responses to the Probation Office. In order to afford additional time for the parties
19 to complete sentencing preparations and attempt to resolve some of the objections that have been
20 raised, the parties submit this stipulation jointly to request that the sentencing hearing be continued
21 until November 4, 2005, at 10:00 a.m. Mr. Rafael is out of custody and has no objection to this
22 continuance. The Probation Officer has no objection to the proposed continuance and will be
23 available on November 4, 2005.

24 SO STIPULATED.

25 Dated: October 4, 2005

/S/

26 MERRY JEAN CHAN
Assistant United States Attorney

1 SO STIPULATED.

2 Dated: October 4, 2005

3 /S/

4

 HILARY A. FOX
5 Attorney for Defendant RAFAEL

6

7 SIGNATURE ATTESTATION

8 I hereby attest that I have on file all holograph signatures indicated by a "conformed"
9 signature (/S/) within this efiled document.

10 Dated: October 4, 2005

11 /S/

12

 MARILEE BARBEAU
13 Legal Secretary

14

15

16 ORDER

17 Good cause appearing therefore, and pursuant to the stipulation of the parties, it is the
18 ORDER of this Court that the sentencing hearing currently scheduled for September 23, 2005,
19 shall be continued until November 4, 2005, at 10:00 a.m.

20 IT IS SO ORDERED.

21

22 Dated: Oct 5, 2005

23 
24 D. LOWELL JENSEN
25 United States District Court